

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PROGRESSIVE CASUALTY
INSURANCE COMPANY,**

Plaintiff,

v.

**PEOPLES COMMUNITY BANK, INC.,
LARRY PITCHFORD and
JERRY GULLEDGE,**

Defendants.

Case No.: 2:05-cv-1064-MEF

**PEOPLESSOUTH BANK, INC.,
LARRY PITCHFORD, and
JERRY GULLEDGE,**

v.

**PROGRESSIVE CASUALTY
INSURANCE COMPANY,**

Defendant.

Case No.: 2:06-cv-00578-MEF

MOTION TO STAY PENDING SETTLEMENT

1. The above captioned cases have been settled as a part of an overall settlement involving numerous appeals pending in the Supreme Court of Alabama. Over \$2.5 million has been paid as part of this settlement.
2. The settlement also involves appeals which must be remanded by the Supreme Court of

Motion to Stay Pending Settlement

Progressive Casualty Insurance Co.,

v. Peoples Community Bank, Inc.

Case No.: 2:05-cv-1064-MEF

PeoplesSouth Bank, Inc., et al.

v. Progressive Casualty Insurance Co.

Case No.: 2:06-cv-00578

Page 2

Alabama to the Circuit Court of Barbour County where certain judgments will be vacated and the case dismissed. It is not clear how long this will take.

3. The action filed on behalf of Progressive, 2:05cv1064, has been dismissed and this is not a problem. The action filed on behalf of PeoplesSouth Bank, 2:06cv00578, is currently pending on a Motion to Remand.

Defendant, Progressive Casualty Insurance Company, respectfully moves that 2:06cv00578 be held in abeyance until the Barbour County case is finally dismissed and an Order can then be submitted for dismissal of said action.

Respectfully submitted,

/s/ Thomas R. Elliott, Jr.

Thomas R. Elliott, Jr. (ASB1499L74T)

Attorney for Progressive Casualty Insurance Company

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Motion to Stay Pending Settlement

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v. Peoples Community Bank, Inc.

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PeoplesSouth Bank, Inc., et al.

v. Progressive Casualty Insurance Co.

Case No.: 2:06-cv-00578

Page 3

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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2006, I electronically filed the foregoing Motion to Stay Pending Settlement with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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PeoplesSouth Bank, Inc., et al.

v. Progressive Casualty Insurance Co.

Case No.: 2:06-cv-00578

Page 4

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